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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 TODD R.G. HILL,

15 Plaintiff,

16 vs.

17 THE BOARD OF DIRECTORS,
18 OFFICERS AND AGENTS AND
19 INDIVIDUALS OF THE PEOPLES
20 COLLEGE OF LAW ET AL.,
21
22 Defendants.

Case No. 2:23-cv-01298-JLS-BFM

**DEFENDANT SPIRO'S
OPPOSITION TO PLAINTIFF'S
REQUEST TO FILE "SURREPLY"
TO STATEMENT of POSITON on
PROPOSED FIFTH AMENDED
COMPLAINT**

**Motion Before:
Hon. Magistrate Judge
Brianna Fuller Mircheff**

Case Assigned to:
Hon. Josephine L. Staton and
Hon. Magistrate Judge
Brianna Fuller Mircheff

Plaintiff tells the Court that his surreply will be “without rearguing points already raised.” (ECF 322, p. 3, lns. 12½ to 13½.) That is not true. His proposed surreply, ECF 323-1, repeats arguments from other documents he has filed. For example, his Opposition To Defendant’s Motion To Dismiss The Fourth Amended Complaint (ECF 272), filed April 18, 2025, as shown in this table:

| Plaintiff’s Proposed Surreply | Plaintiff’s Opposition to Motion to Dismiss 4th Amended Complaint filed 4/18/25 (ECF 272) |
|---|--|
| The Ninth Circuit has repeatedly recognized that incorporation of relevant factual allegations is permissible so long as it does not result in a complaint that is “ argumentative, prolix, replete with redundancy , and largely irrelevant.” <i>Hearns v. San Bernardino Police Dep’t</i> (p.7) | Incorporation by reference is a standard and permitted practice. See Fed. R. Civ. P. 10(c) ... See Hearns v. San Bernardino Police Dep’t , 530 F.3d 1124 ... (“A complaint that is verbose, conclusory and confusing may be dismissed under Rule 8, but verbosity alone is not fatal”) (p.10) |
| The core allegation section ... narrowed claims ... The 5AC reflects a ... legally streamlined complaint , the 5AC streamlines allegations , corrects captioning issues, updates factual assertions based on newly available records , and further separates individual roles across multiple causes of action, particularly in the RICO and civil rights claims. (pp 6-8) | Plaintiff ... streamlined the complaint ... Plaintiff’s amendments ..., have narrowed the claims ... incorporated newly disclosed records , and directly addressed prior deficiencies. ... certain individuals are referenced both by name and by role (p.29) |
| the Ninth Circuit routinely favors amendment to cure even arguable deficiencies, particularly where, as here, no undue delay or bad faith exists , and the amendment is focused, targeted , and supported by record citations. (p.7) | Courts consistently hold that amendment is proper where new facts emerge or institutional concealment has delayed discovery. Plaintiff’s amendments ...have narrowed the claims ... (p.30) This does not constitute delay, bad faith , or contumacious conduct. ... (p.29) |

June 3, 2025

_____/s/_____
 Defendant Ira Spiro (sued as Robert Ira Spiro)

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the State of California, County of Los Angeles. My business address is 10573 West Pico Blvd. #865, Los Angeles, CA 90064.

On the date stated below, I served the document described as **DEFENDANT SPIRO'S OPPOSITION TO PLAINTIFF'S REQUEST TO FILE "SURREPLY" TO STATEMENT of POSITON on PROPOSED FIFTH AMENDED COMPLAINT** on the interested parties in this action by placing: [] the original [xx] true copies thereof enclosed in sealed envelopes, addressed as follows to interested parties as follows (or as stated on the attached service list):

Todd R.G. Hill
119 Vine Street
Belton, TX 76513

[X] **BY MAIL:** I deposited the envelope(s), with postage prepaid, in the United States Mail (United States Postal Service) at Los Angeles, California.

[X] **BY MAIL PER BUSINESS PRACTICES:** I placed the document(s) in a sealed envelope for collection and mailing following ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. Under that practice, the envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

[] **BY ELECTRONIC TRANSMISSION:** On the date set forth below I caused to be transmitted the document(s) listed above on the parties listed herein at their most recent known e-mail address(s) or e-mail of record in this action before 6:00 p.m. I hereby certify that this document was served from Los Angeles, California.

[] **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

[] **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed June 3, 2025 at Los Angeles, California.

Ira Spiro
Type or Print Name

/s/

Signature